

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 17644 of 2004**

Between:

Y.Sridevi, w/o Srinivasulu,  
r/o Chilamakur, Marripadu (M),  
Prakasam District.

**..... PETITIONER**

AND

- 1 Joint Collector, Prakasam District at Ongole.
- 2 Revenue Divisional Officer, Kandukur, Prakasam District.
- 3 Mandal Revenue Officer, Marripudi (M), Prakasam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the order of the 1st respondent in Rc.CS2/3189/2004, dt.14-9-2004 is illegal, irregular and violative of Art.14, 19 and 21 of the Constitution of India and AP Schedule Commodities (Regulation of Distribution by Card System) Order 2001 and set aside the same and consequently suspend the operation of order passed by 2nd respondent in Rc.F/1750/2004, dt.18-8-2004 pending disposal of the enquiry before the 2nd respondent in the interest of justice.

**Counsel for the Petitioner : MR. SATYANARAYANA NIMMAGADDA**

**Counsel for the Respondents : GP FOR CIVIL SUPPLIES**

**The Court made the following :**

**THE HON'BLE MS. JUSTICE G.ROHINI**

**WRIT PETITION NO.17644 OF 2004**

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**ORAL ORDER :**

Petitioner is the fair price shop dealer of Chilamkur Village, Marripudi Mandal, Prakasam District. Her authorization was suspended by the 2<sup>nd</sup> respondent – Revenue Divisional Officer, Kandukur, Prakasam District vide proceedings dated 18-08-2004 pending enquiry into alleged irregularities in distribution of essential commodities to the cardholders. Challenging the same, the petitioner preferred an appeal along with an application for stay before the 1<sup>st</sup> respondent – Joint Collector, Ongole, Prakasam District. The 1<sup>st</sup> respondent having entertained the Appeal, by order dated 26-08-2004 rejected the application for stay. The petitioner preferred W.P.No.15570 of 2004 challenging the said order of the first respondent dated 26-08-2004. The said writ petition was disposed of by order dated 31-08-2004 directing the 1<sup>st</sup> respondent – Joint Collector, Ongole, Prakasam District to reconsider the application for stay and to pass appropriate orders in accordance with law. Thereafter, the first respondent disposed of the main appeal itself by order dated 14-09-2004, which is under challenge in this writ petition.

I have heard the learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned Counsel for the petitioner vehemently contended that the order

impugned is unsustainable since the first respondent – Joint Collector, Ongole, Prakasam District failed to take into consideration any one of the contentions raised by the petitioner and mechanically disposed of the Appeal directing the Revenue Divisional Officer to conduct the enquiry.

It is true that the first respondent while disposing of the Statutory Appeal is required to examine the question whether the suspension of authorization is warranted in the facts and circumstances of the case. However, keeping in view the fact that the enquiry into the alleged irregularities is pending before the Revenue Divisional Officer, Kandukur, I am of the view that no purpose will be served by remitting the matter to the Joint Collector, Ongole, Prakasam District for consideration of the Appeal afresh. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 2<sup>nd</sup> respondent - Revenue Divisional Officer, Kandukur to complete the enquiry initiated against the petitioner and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order.

Writ Petition is accordingly disposed of. No costs.

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30<sup>th</sup> September, 2004.

Gbs

To

- 1 Joint Collector, Prakasam District at Ongole.
- 2 Revenue Divisional Officer, Kandukur, Prakasam District.
- 3 Mandal Revenue Officer, Marripudi (M), Prakasam District.

4.2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad (OUT).

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